

Remarks

Applicant respectfully requests reconsideration. Claims 1-32 were pending for examination. Applicant has amended claims 1, 5-7, 16-18 and 21 and has canceled claims 4, 13 and 14 in view of the amendment of claim 1. No new matter has been added.

Rejections Under 35 U.S.C. § 103

1. The Examiner rejected claims 1-4 and 6-32 under 35 U.S.C. § 103 as unpatentable over the Daw et al. reference or the France et al reference in view of the Mayes et al. patent (US 6,150,459) and the McAuslan publication (WO 87/05038). Applicant respectfully requests reconsideration of the rejection.

The Daw and France references disclose attachment and growth of cells on plasma polymerized surfaces. However, neither of these reference disclose the attachment, growth and detachment of keratinocytes, which is a feature of the claimed therapeutic vehicle.

The Mayes and McAuslan references do not supply the elements missing from either the Daw reference or the France reference. As stated by the Examiner, Mayes provides coating a surface of a material with a copolymer, seeding the coating with cells and implanting the product. McAuslan provides applying a hydrogel layer to a substrate, wherein cells bind to the hydrogel.

The Examiner states that it would have been obvious to apply the cell-binding polymer or copolymer of Daw or France to the substrate as provided by Mayes or McAuslan to provide the claimed therapeutic vehicle. Applicant's response is that the elements of the claimed invention are not provided by the combination of the references, even if this combination was made, which Applicant do not agree with. The combination of references does not provide at least the feature of attachment, proliferation and detachment of keratinocytes.

Accordingly, Applicant respectfully requests that the rejection of claims 1-4 and 6-32 under 35 U.S.C. § 103, as unpatentable over the Daw et al. reference or the France et al reference in combination with the Mayes et al and McAuslan references, be withdrawn.

2. The Examiner also rejected claim 5 as unpatentable over Daw et al. or France et al. in combination with the Mayes et al and McAuslan references, in view of Yanagihara et al (US patent 4,693,799). Applicant respectfully traverses the rejection.

As noted above in connection with the rejection of claims 1-4 and 6-32, the combination of Daw or France with Mayes and McAuslan does not describe the elements of the claimed invention. The Yanagihara patent does not describe the elements missing from the combination of Daw or France with Mayes and McAuslan, and therefore the combination of references does not render the claimed invention unpatentable as obvious.

Applicant disagrees with the Examiner's conclusion that one of ordinary skill in the art would look to lubricity art such as the Yanagihara patent to supply the elements missing from the Daw or France references, even though Yanagihara is directed to providing a plasma polymerized film. The skilled person working in tissue engineering and cell culture would not look to art describing polymers added to video heads, magnetic tapes and magnetic discs as is the case with Yanagihara. Therefore, Applicant maintains that the combination of Yanagihara with the other references is not properly made.

Moreover, there is nothing in the references cited that would provide one of ordinary skill in the art with the motivation to modify the teachings of the combination of Daw or France with Mayes and McAuslan by the teachings of Yanagihara.

Accordingly, Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. 103 be withdrawn.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Short, et al., Applicant

By: 
John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: (617) 646-8000

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